

IC 32-23

ARTICLE 23. CONVEYANCE OF PROPERTY INTERESTS LESS THAN FEE SIMPLE

IC 32-23-1

Chapter 1. Easements: By Prescription

IC 32-23-1-1

Use for 20 years

Sec. 1. The right-of-way, air, light, or other easement from, in, upon, or over land owned by a person may not be acquired by another person by adverse use unless the use is uninterrupted for at least twenty (20) years.

As added by P.L.2-2002, SEC.8.

IC 32-23-1-2

Notice; disputing adverse claim

Sec. 2. The owner of land described in section 1 of this chapter, or the agent or guardian of the owner, may give notice to a claimant of a right or easement described in section 1 of this chapter that the owner, or the agent or guardian of the owner, will dispute the claimant's claim to a right or easement by adverse use.

As added by P.L.2-2002, SEC.8.

IC 32-23-1-3

Serving or posting notice; easements

Sec. 3. Notice provided to a claimant under section 2 of this chapter must be:

- (1) in writing; and
- (2) served by an officer on the:
 - (A) claimant, if the claimant can be found; or
 - (B) if the claimant cannot be found, on the claimant's agent or the claimant's guardian;

or if the claimant, the claimant's agent, and the claimant's guardian cannot be found, a copy of the written notice shall be posted, for not less than ten (10) days, in a conspicuous place on or adjoining the premises where the right is disputed.

As added by P.L.2-2002, SEC.8.

IC 32-23-1-4

Easements

Sec. 4. The service or notice required under section 3 of this chapter must be endorsed by the officer serving the notice, on the original paper, and returned to the party giving the notice. The party that gives the notice shall record the original paper and endorsement of service or notice in the recorder's office of the county where the land is located. The served or posted and recorded notice is, at the time of record, an interruption of the adverse use.

As added by P.L.2-2002, SEC.8.